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ATTORNEY DOCKET NO. 14014.0312
PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of)
KELSALL et al.) OCT 03 2001
Serial No. 09/196,867) TECH CENTER 1600/2900
Filed: November 20, 1998) Group Art Unit: 1644
For: METHODS OF USING CR3 AND CR4)
LIGANDS FOR INHIBITING INTERLEUKIN-12)
TO TREAT AUTOIMMUNE DISEASE)

DECLARATION UNDER 37 C.F.R. § 1.131 OF BRIAN L. KELSALL,
WARREN STROBER, THOMAS MARTH AND IVAN J. FUSS

Assistant Commissioner for
Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

Sir:

We, Brian L. Kelsall, Warren Strober, Thomas Marth and Ivan J. Fuss declare that:

1. We are the co-inventors named in the above-identified application and co-inventors of the subject matter described and claimed therein.

2. Prior to the February 7, 1997 priority date of Karp et al. (U.S. Patent No. 6,086,876), we had conceived and reduced to practice the invention described and claimed in the subject application in this country, as evidenced by the following:

We conceived and reduced the invention to practice in the Mucosal Immunity Section of the Laboratory for Clinical Investigation of the National Institute for Allergy and Infectious Diseases of the National Institutes of Health, USA, as shown in Exhibits A-B, attached.

Specifically, Exhibit A is an abstract that was submitted to the American Association of Immunology prior to February 7, 1997 . This abstract describes experiments conducted in our laboratories and data from these studies which demonstrate the downregulation of IL-12 production by administration of a ligand of CR3 in an animal model of septic shock.

Exhibit B is a three-page set from the laboratory notebook of Dr. Ivan Fuss that describes data from experiments conducted in our laboratories prior to February 7, 1997 which demonstrate the downregulation of IL-12 production by administration of a ligand of CR3 in an animal model of autoimmune disease.

3. We further declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent issuing therefrom.

BRIAN L. KELSALL

DATE

WARREN STROBER

DATE

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THOMAS MARTH

Ivan J. Fuss

IVAN J. FUSS

DATE

8/21/01

DATE